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*Attorneys for Plaintiff Research in Motion Limited*

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

RESEARCH IN MOTION LIMITED

*Plaintiff,*

-against-

MOFTWARE LLC, AMZER, PINAKIN  
DINESH, JOHN DOES 1-50; and XYZ  
BUSINESSES,

*Defendant.*

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CIVIL ACTION NO. \_\_\_\_\_

DECLARATION OF JOSEPH AGLIONE

FILED UNDER SEAL

I, JOSEPH AGLIONE, declare as follows, under penalty of perjury, pursuant to 28  
U.S.C. § 1746:

1. I make this declaration based upon personal knowledge. I am the president of the Stonegate Agency Inc. (hereinafter, "Stonegate"). Stonegate is a licensed investigative agency. I was responsible for, and supervised, the investigation on behalf of Research In Motion Limited ("RIM") of sales of alleged BLACKBERRY batteries by Mofware LLC, AMZER, and Pinakin Dinesh (collectively herein "Mofware"). Specifically, I engaged agents who worked directly under my supervision and who reported to me. The investigation included researching the following websites: [www.amzer.com](http://www.amzer.com), [www.fommy.com](http://www.fommy.com), [www.mofware.com](http://www.mofware.com), and

[www.blackberryking.com](http://www.blackberryking.com); purchasing batteries directly from [www.amzer.com](http://www.amzer.com), [www.fommy.com](http://www.fommy.com), and [www.blackberryking.com](http://www.blackberryking.com); and visiting two Mofware premises. All of these activities were performed either by me or directly under my supervision.

2. I researched the following websites: [www.amzer.com](http://www.amzer.com), [www.fommy.com](http://www.fommy.com), [www.mofware.com](http://www.mofware.com), and [www.blackberryking.com](http://www.blackberryking.com) and discovered that Mofware LLC and AMZER are related companies and that [www.fommy.com](http://www.fommy.com) and [www.blackberryking.com](http://www.blackberryking.com) are operated by Mofware.

3. My research also revealed that Pinakin Dinesh is the current chief executive officer of the Mofware entities.

4. Upon researching the following websites: [www.amzer.com](http://www.amzer.com), [www.fommy.com](http://www.fommy.com), and [www.blackberryking.com](http://www.blackberryking.com) (collectively the "Mofware Websites), I found references to at least the following batteries purporting to be RIM BLACKBERRY batteries:

<b>MOFTWARE WEBSITE</b>	<b>BATTERY MODEL</b>	<b>BATTERY DESCRIPTION</b>
<a href="http://www.amzer.com">www.amzer.com</a> <a href="http://www.fommy.com">www.fommy.com</a> <a href="http://www.blackberryking.com">www.blackberryking.com</a>	"Blackberry® 8800 Battery with ASP™ Technology" \$ 29.95	"Extend your talk time with this battery with ASP Technology for your Blackberry Smartphone. It can be recharged in your device or in the cradle and it comes with built-in overcharging protection so there is no need to worry about overcharging. The battery is the same size as the standard battery, and provides approximately 20% longer talk and standby time.  COMPATIBILITY  Blackberry 8800 Blackberry 8800c  Blackberry 8800r Blackberry 8820 Blackberry 8830"
<a href="http://www.fommy.com">www.fommy.com</a>	"BlackBerry 8800	"Don't leave home without the new extra

	Extended Battery 1800mAh with Battery Door – Silver” \$ 69.95	extended BlackBerry 8800 lithium ion battery. This battery will definitely last longer than your standard battery so no need to carry spares around. Extended lithium ion battery for the BlackBerry 8800, 3.7v 1800mAh capacity, close to double the capacity of the standard battery accompanied with an extended battery door. COMPATIBILITY BlackBerry 8800      BlackBerry 8800c BlackBerry 8800r Blackberry 8820 BlackBerry 8830”
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(hereinafter collectively referred to as “the Batteries”).

5. Thus, I directed and supervised purchases of all of the Batteries from the Moftware Websites as delineated in the chart of paragraph 4.

6. FOMMY.COM then shipped the Batteries ordered from the Moftware Websites to me or my Agents, with some of the Batteries shipped directly to New York.

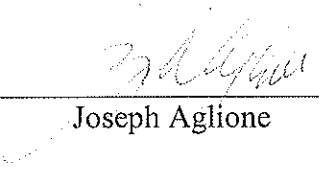
7. I delivered all Batteries and related documents, including receipts, invoices, and shipping slips to RIM’s counsel, Fulbright & Jaworski L.L.P.

8. On Thursday, March 27, 2008, investigators under my supervision visited two Moftware premises: 1) Suite 120, 12610 West Airport Road, Sugar Land, Texas 77478; and 2) 648 S. Pickett Street, Alexandria, Virginia (“Moftware Premises”). The investigators confirmed that Moftware is continuing to offer for sale the Batteries at the Moftware Premises.

9. On Tuesday, April 1, 2008, I visited the Moftware Websites and confirmed that the Moftware Websites are continuing to offer for sale the Batteries.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 1, 2008

  
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Joseph Aglione